

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51944 of 2024

Arising Out of PS. Case No.-458 Year-2023 Thana- NOORSARAI District- Nalanda

Dev Kumar, S/o Late Binda Gope R/o Village- Sardar Bigha, P.S.- Noorsarai,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 307, 353, 386, 387 of the I.P.C. and Section 27 of the
Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and from perusal
of the allegation as alleged in the F.I.R., it would manifest that
the thrust of the allegation is against Bharat Chauhan. It is
further submitted that the informant alleges that he received an
information that Bharat and his associates had assembled at a
place for collecting extortion and accordingly, when the police
force reached, they fled.



4. It is next submitted that petitioner came to be implicated based on the fact that he is owner of the motorcycle which was recovered from the place of occurrence, but then, it is submitted that the said motorcycle was taken by Bharat Chauhan and petitioner was not aware that he would misuse the vehicle in the manner as alleged. It is also submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda at Biharsharif in connection with Noorsarai P. S. Case No.458 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his son Munil Kumar.

7. The application stands allowed.



8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

9. Further, it is made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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